

1 ROB BONTA, State Bar No. 202668
Attorney General of California
2 WILLIAM H. DOWNER, State Bar No. 257644
Supervising Deputy Attorney General
3 *CARLY J. MUNSON, State Bar No. 254598
SOPHIA A. CARRILLO, State Bar No. 326428
4 Deputy Attorneys General
1300 I Street
5 Sacramento, CA 95814
Telephone: (916) 210-7845
6 Fax: (916) 731-2129
E-mail: Carly.Munson@doj.ca.gov
7 *Attorneys for Defendant Kevin Kish, Director of
California Civil Rights Department*

8 Timothy C. Travelstead, Esq. (SBN 215260)
9 *t.travelstead@narayantravelstead.com*
Scott C. Ku, Esq. (SBN 314970)
10 *s.ku@narayantravelstead.com*
NARAYAN TRAVELSTEAD P.C.
11 7901 Stoneridge Drive, Suite 230
Pleasanton, CA 94588
12 Telephone: (650) 403-0150
Attorneys for Plaintiff Hindu American Foundation

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16
17

18 **HINDU AMERICAN FOUNDATION, INC.,**
19 **a Florida Not-For-Profit Corporation,**

20 Plaintiff,

21 v.

22 **KEVIN KISH, an individual, in his official**
23 **capacity as Director of the California Civil**
24 **Rights Department; and Does 1-50,**
inclusive,

25 Defendants.
26
27
28

Case No. 2:22-CV-01656-DAD-JDP

**SECOND STIPULATION AND
REQUEST TO AMEND BRIEFING
SCHEDULE AND HEARING DATE FOR
DEFENDANT'S RULE 12(b) MOTION**

NO ORAL ARGUMENT REQUESTED

Complaint filed: September 20, 2022

Judge: Hon. Dale A. Drozd

1 Plaintiff Hindu American Foundation, Inc. (HAF), and Defendant Kevin Kish, in his
2 official capacity as the Director of the California Civil Rights Department (CRD) (together, the
3 “Parties”), through their undersigned counsel, hereby stipulate to and jointly request an order
4 amending the briefing schedule and hearing date for Defendant’s pending Motion to Dismiss
5 Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure Rule 12(b).

6 In support of this Second Stipulation, the Parties jointly state as follows:

- 7 1. Plaintiff’s Complaint was filed on September 20, 2022, and served on Director Kish
8 on November 17, 2022.
- 9 2. In light of the issues presented, on November 28, 2022, the Parties filed a Stipulation
10 to Extend Defendant’s Time to Respond and to Set Briefing Schedule for Rule 12(b)
11 Motion (ECF No. 6), which the Court granted (ECF No. 7).
- 12 3. Accordingly, on February 6, 2023, Defendant filed his timely Motion to Dismiss
13 Plaintiff’s Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) and
14 12(b)(6) and supporting documents (ECF Nos. 8, 10).
- 15 4. This case relates to a matter pending before the California Superior Court for the
16 County of Santa Clara, *CRD v. Cisco Systems, Inc., et al.*, Case No. 20-cv-372366.
17 (Comp. ¶ 9). Plaintiff has a pending motion to intervene in *CRD v. Cisco Systems,*
18 *Inc., et al.*
- 19 5. In early 2023, the parties in the state court matter agreed to mediate that matter. As a
20 settlement in the state court matter could potentially affect the outcome of this matter, on
21 March 14, 2023, the Parties filed a first Stipulation and Request to Amend the Briefing
22 Schedule for Defendant’s Motion to Dismiss to allow time for mediation to occur, which
23 this Court granted (ECF Nos. 11-12).
- 24 6. On June 8, 2023, the parties to the state court matter informed the court that their
25 settlement efforts had reached an impasse. The state court has scheduled a further case
26 management conference for August 1, 2023, and will develop a schedule to hear
27 outstanding motions, including Plaintiff’s motion to intervene.
28

7. In light of the recent developments in the state court matter, Plaintiff requires a brief two-week extension of time to file its opposition to Defendant's pending Motion to Dismiss. The Parties have agreed a brief extension is reasonable and hereby stipulate to and seek the Court's consent to extend the due dates for Plaintiff's opposition and Defendant's reply each by two weeks. To ensure the Court has ample time to review the Parties' briefing, the Parties further agree to notice the corresponding hearing for 1:30 p.m. on September 5, 2023, or as soon thereafter as is practicable for the Court.

Based on the foregoing, the Parties respectfully request that this Court enter an order:

- (i) Amending the briefing schedule for Defendant's Motion to Dismiss pursuant to Rule 12(b) as follows:
 - (a) Plaintiff shall file any opposition on or before June 29, 2023;
 - (b) Defendant shall file any reply on or before August 4, 2023; and
- (ii) Setting a hearing on Defendant's Motion to Dismiss for 1:30 p.m. on September 5, 2023, or as soon thereafter as is practicable for the Court.

Dated: June 12, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
WILLIAM H. DOWNER
Supervising Deputy Attorney General

/s/ Carly J. Munson
CARLY J. MUNSON
Deputy Attorney General
*Attorneys for Kevin Kish, in his official capacity
as Director of the
California Civil Rights Department*

NARAYAN TRAVELSTEAD, P.C.

/s/ Timothy C. Travelstead
Timothy C. Travelstead, Esq.
Scott C. Ku, Esq.
*Attorneys for Plaintiff Hindu American
Foundation*